REMARKS

After entering the above amendments, claims 1, 3-5, 8-12, 14, and 16-20 will be pending. Reconsideration and allowance of the current application are requested in light of the above-marked amendments and the foregoing remarks.

Summary of Rejections. The Office has rejected claims 1, 2, 4-10, and 12-17 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. 6,098,093 to Bayeh (hereinafter "Bayeh"); and claims 3, 11, and 18-20 under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Bayeh in view of U.S. 6,961,776 to Buckingham ("Buckingham").

Summary of Amendments. With this amendment, independent claims 1, 12, and 18 and dependent claims 4, 5, 7, 9, 10, 14, and 16 have been amended, and claims 2, 6, 13, and 15 have been canceled. The features added to the independent claims find full support in the original specification, at least paragraphs [0037], [0041], [0043], and [0053] to [0059]. The dependent claims have been amended for consistency with the independent claims from which they depend. No new matter has been added with this amendment.

Rejections under 35 USC §102

Claims 1, 2, 4-10, and 12-17 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Bayeh. This rejection is respectfully traversed. To present a valid anticipation rejection under 35 U.S.C. §102, the Office must identify a single prior art reference in which "each and every element as set forth in the claim is found, either expressly or inherently described." MPEP §2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant appreciatively acknowledges the thorough explanation of the basis for the currently pending rejections in this matter provided by the Office in the *Response to Arguments* of the

Office Action of December 2, 2008. While Applicant feels that the issue of the server receiving and performing the various elements of, for example, claim 1 was implicit based on various aspects of the claims as previously presented, Applicant has nonetheless amended the claims as shown above in an effort to further prosecution of this matter. As discussed in the following paragraphs, Applicant submits that the amendments to the claims presented herein should fully overcome the currently pending rejections over Bayeh along or in combination with Buckingham.

Point (A) of the *Response to Arguments* asserts that: 1) the claims as previously presented did not explicitly recite that the recited method steps of claim 1 occurred at a server as opposed to at a client, and 2) Bayeh teaches that information identifying a previous session is provided to the server by the client via URL rewriting or as a cookie and that the server stores the information to reproduce the last session. Applicant has address assertion 1) by amending the claims to explicitly recite operations that occur at the application server. However, Applicant must respectfully disagree with the Office's characterization of the allegedly anticipatory teachings of Bayeh. The Office correctly notes that Bayeh discloses at lines 4-5 of col. 4 that "the state information is stored on the server using a session object." However, in the next sentence, Bayeh further notes that "this object is created when a new client session is started and is kept for the duration of the session." Furthermore, the cookies and URL rewriting of Bayeh are disclosed as follows in column 3 at lines 20 to 31:

> Session IDs have been implemented on top of HTTP
> using two primary approaches. The first is through use of
> "cookies". The second is through "URL rewriting". A cookie
> is an abstract concept referring to storing state information,
> and passing a reference to that information between the
> client and server by including an identifier in the HTTP
> request and responses. When a client issues a first request to
> a server, the server will create a cookie for this client, and
> assign a session ID to the cookie. The cookie for the session
> is then passed back to the client with the response. On the
> client's subsequent requests, the client sends the session
> cookie as part of the request. A server typically provides

The instantly claimed subject matter includes the limitation that the application server receives a first

start uniform resource locator (URL) that includes an external session identifier (ESID) identifying

the session of the web application. Bayeh cannot properly be said to disclose or fairly suggest this

limitation given that the server disclosed by Bayeh generates the cookie, assigns a session ID to the

cookies, and passes the cookie back to the client.

In points (B), (C), and (D), the Office asserts again that the claims as previously presented

fail to require that state information is stored at the application server. As noted above, while

Bayeh does state that "the state information is stored on the server using a session object," it further

notes that the object is kept only for the duration of the session. In contrast, the claims expressly

require that the session return state is stored in the session memory of the application server after

the termination of the first instance of the session along with the external session identifier.

Furthermore, the session object of Bayeh is a different entity than the cookie or URL rewriting

disclosed in column 3 at lines 20-53 as cited by the Office. The cookie/URL rewriting has been

proffered by the Office as allegedly analogous to the external session identifier of the instantly

claimed subject matter. However, Bayeh does not disclose retention of the cookie/URL rewriting at

the server after termination of the session. The only aspect that is disclosed by Bayeh as being

retained by the server is the session object, and not only is it only retained for the duration of the

session, it also is not passed from the client to the server, but rather generated by the server.

Furthermore, the cookies/URL rewriting of Bayeh does not occur upon termination of a session but rather only at the commencement of a session. The instantly claimed subject matter requires that the termination URL be sent from the browser upon the user navigating away from the web application, which Bayeh clearly neither discloses nor fairly suggests.

Thus, Applicant respectfully submits that Bayeh fails to disclose or fairly suggest at least the affirmatively recited limitations (all of which occur at the application server) of a) creating a first instance of a session of the web application upon receipt of a first start uniform resource locator (URL)that includes an external session identifier (ESID) that identifies the session of the web application; b) receiving a termination URL that indicates that the user has navigated away from the first instance of the session, includes the ESID, and is sent from the browser upon the user navigating away from the first instance; and/or c) storing a session return state that includes a record of a user's activity in the application during the first instance prior to receipt of the termination URL at the application server. For at least these reasons, withdrawal of the pending rejection under 35 U.S.C. §102 is respectfully requested.

Rejections under 35 USC §103

Claims 3, 11, and 18-20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Bayeh in view of Buckingham. This rejection is respectfully traversed. For a proper rejection under 35 U.S.C. §103(a), the Office "bears the initial burden of factually supporting any *prima facie* conclusion of obviousness" and must therefore present "a clear articulation of the reason(s) why the claimed invention would have been obvious." MPEP §2142. An obviousness rejection "cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." MPEP §2141 quoting *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1386, 1385

(2007). This rationale must include a showing that all of the claimed elements were known in the prior art and that one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, to produce a combination yielding nothing more than predictable results to one of ordinary skill in the art. *KSR*, 82 USPQ2d at 1395. MPEP §2141.02 further notes that "a prior art reference must be considered in its entirety, i.e., as a <u>whole</u>, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). The rejections over Bayeh and Buckingham fail to satisfy this burden with regards to the currently pending claims.

Buckingham describes a system for enabling multiple types of end user devices to access an Internet-based application. The Office has apparently cited Buckingham simply for its disclosure of a portal. As such, the rejections of claims 3 and 11, which depend from and include the aforementioned limitations of claim 1, that of claim 18, which has been amended to include the aforementioned limitations, and those of claims 19-20, which depends from and include the limitations of claim 18, are respectfully traversed. Buckingham fails to cure the above noted deficiencies of Bayeh. As such, neither Buckingham alone or in combination with Bayeh can properly be alleged to disclose or fairly suggest the instantly claimed subject matter. Applicant also respectfully submits that Buckingham does not cure any of the above-identified deficiencies in Bayeh with regards to claims 1, 2, 4-10, or 12-17. Favorable action is requested. For at least these reasons, withdrawal of the pending rejections under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

On the basis of the foregoing amendments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

No fee is believed to be due, however the Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-060/2003P00056US01. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Date: February 3, 2009

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